

1 Agreement in its entirety as issued by the Board, and waives any other cause of action related
2 thereto or arising from said Consent Agreement.

3 3. This Consent Agreement is not effective until signed by the Executive Director
4 of the Board.

5 4. All admissions made by Respondent are solely for licensure. Therefore, said
6 admissions are not intended or made for any other use, such as in the context of another state or
7 federal government regulatory agency proceeding, civil or criminal court proceeding, in the State
8 of Arizona or any other state or federal court.

9 5. Respondent understands that if he declined the Board's offer of a Consent
10 Agreement for Probationary License his application would be denied and he would be entitled to
11 a formal hearing on the denial.

12 6. Upon signing this agreement, and returning this document (or a copy thereof)
13 to the Board's Executive Director, Respondent may not revoke his acceptance of the Consent
14 Agreement. Respondent may not make any modifications to the Consent Agreement. Any
15 modifications to this original document are ineffective and void unless mutually approved by the
16 parties.

17 7. This Consent Agreement, once approved and signed, is a public record
18 document that will be publicly disseminated as a formal non-disciplinary action of the Board.

19 8. If any part of the Consent Agreement is later declared void or otherwise
20 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force and
21 effect.

22
23 
24 _____
25 ROGER SCOTT, P.A.

Dated: 5/21/07

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of healthcare tasks in the State of Arizona.

2. The Board received Respondent's application for licensure on October 13, 2006. Respondent disclosed on his application that since 1993 he had been participating in the WPHP.

3. On November 30, 1993 Respondent signed a contract with WPHP and, after 30 days participation in WPHP, was granted a license to perform healthcare tasks in the State of Washington.

4. On March 18, 1996 Respondent entered into another contract with WPHP because he was experiencing difficulties in sobriety. On October 22, 1997 Respondent tested positive for Ultram and was required to enter into long term treatment at Springbrook Northwest. On January 23, 1998 Respondent entered into another contract with WPHP due to his relapse. On February 2, 2002 Respondent tested positive for Ultram and admitted he had diverted samples from his place of employment. On February 20, 2002 Respondent entered into long term inpatient treatment at Palmetto in Monroe, Louisiana and was discharged from treatment on May 31, 2002.

5. On November 25, 2002 Respondent entered into a contract with WPHP. On July 1, 2003 Respondent entered into a Stipulated Agreement with the Washington Board which, among other things, did not allow Respondent to return to practice until endorsed by WPHP as being safe to return to practice; limited him to a 40 hour work week; ordered him to maintain duplicate prescription pads for 6 months after returning to work; ordered he have a preceptor review his prescriptions weekly for the 6 month period; and prohibited him from taking more than one emergency room call shift per week for the first year after returning to practice.

6. The Board has received written reports regarding Respondent's current treatment that indicate that he has been successful in his current treatment.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The information above constitutes grounds to believe Respondent does not meet the requirements of section 32-2521(A) and as such, is eligible for licensure subject to probationary conditions, including requiring him to participate in the Board's Monitored Aftercare Program. A.R.S. § 32-2522(J)(3).

ORDER

IT IS HEREBY ORDERED THAT:

Respondent is granted a probationary license subject to the following terms for five years from the effective date of this Order:

1. Respondent shall not practice in a work setting geographically separate from his supervising physician.

2. Respondent shall not have access or keys to the sample medication cabinet at his place of employment and shall not dispense samples.

3. For two years of the probationary term Respondent shall not prescribe Schedule II or III controlled substances. After the expiration of one year Respondent may request the Executive Director lift or modify this restriction.

4. Respondent shall not work more than 40 hours per week.

5. **Participation.** Respondent shall promptly enroll in and participate in the Medical Board's program for the treatment and rehabilitation of physician assistants who are impaired by alcohol or drug abuse ("MAP"). Respondent's participation in MAP may be unilaterally terminated with or without cause at the Board's discretion at any time after the issuance of this Order.

1 6. **Relapse Prevention Group.** Respondent shall attend MAP's relapse prevention
2 group therapy sessions one time per week for the duration of this Order, unless excused by the
3 MAP relapse prevention group facilitator for good cause such as illness or vacation. Respondent
4 shall instruct the MAP relapse prevention group facilitators to release to Board Staff, upon
5 request, all records relating to Respondent's treatment, and to submit monthly reports to Board
6 Staff regarding attendance and progress. The reports shall be submitted on or before the 10th
7 day of each month.

8 7. **12 Step or Self-Help Group Meetings.** Respondent shall attend ninety 12-step
9 meetings or other self-help group meetings appropriate for substance abuse and approved by
10 Board Staff, for a period of ninety days beginning not later than either (a) the first day following
11 Respondent's discharge from chemical dependency treatment or (b) the date of this Order.

12 8. Following completion of the ninety meetings in ninety days, Respondent shall
13 participate in a 12-step recovery program or other self-help program appropriate for substance
14 abuse as recommended by the MAP Director and approved by Board Staff. Respondent shall
15 attend a minimum of three 12-step or other self-help program meetings per week for a total of
16 twelve per month. Two of the twelve meetings must be Caduceus meetings. Respondent must
17 maintain a log of all self-help meetings. Board Staff will provide the log to Respondent.

18 9. **Board-Staff Approved Primary Care Physician.** Respondent shall promptly obtain a
19 primary care physician and shall submit the name of the physician to Board Staff in writing for
20 approval. The Board-approved primary care physician ("PCP") shall be in charge of providing
21 and coordinating Respondent's medical care and treatment. Except in an *Emergency*,
22 Respondent shall obtain medical care and treatment only from the PCP and from health care
23 providers to whom the PCP refers Respondent. Respondent shall request that the PCP
24 document all referrals in the medical record. Respondent shall promptly inform the PCP of
25 Respondent's rehabilitation efforts and provide a copy of this Order the PCP. Respondent shall

1 also inform all other health care providers who provide medical care or treatment that
2 Respondent is participating in MAP.

3 a. "Emergency" means a serious accident or sudden illness that, if not treated
4 immediately, may result in a long-term medical problem or loss of life.

5 10. **Medication.** Except in an *Emergency*, Respondent shall take no *Medication* unless the
6 PCP or other health care provider to whom the PCP refers Respondent prescribes the
7 *Medication*. Respondent shall not self-prescribe any *Medication*.

8 a. "Medication" means a prescription-only drug, controlled substance, and over-
9 the counter preparation, other than plain aspirin, plain ibuprofen, and plain acetaminophen.

10 11. If a controlled substance is prescribed, dispensed, or is administered to Respondent
11 by any person other than PCP, Respondent shall notify the PCP in writing within 48 hours and
12 notify the MAP Director immediately. The notification shall contain all information required for the
13 medication log entry specified in paragraph 12. Respondent shall request that the notification be
14 made a part of the medical record. This paragraph does not authorize Respondent to take any
15 *Medication* other than in accordance with paragraph 10.

16 12. **Medication Log.** Respondent shall maintain a current legible log of all *Medication* taken
17 by or administered to Respondent, and shall make the log available to the Board Staff upon
18 request. For *Medication* (other than controlled substances) taken on an on-going basis,
19 Respondent may comply with this paragraph by logging the first and last administration of the
20 *Medication* and all changes in dosage or frequency. The log, at a minimum, shall include the
21 following:

- 22 a. Name and dosage of *Medication* taken or administered;
23 b. Date taken or administered;
24 c. Name of prescribing or administering physician;
25 d. Reason *Medication* was prescribed or administered.

1 This paragraph does not authorize Respondent to take any *Medication* other than in accordance
2 with paragraph 10.

3 13. **No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol or any food or
4 other substance containing poppy seeds or alcohol.

5 14. **Biological Fluid Collection.** During all times that Respondent is physically present in
6 the State of Arizona and such other times as Board Staff may direct, Respondent shall promptly
7 comply with requests from Board Staff or MAP Director to submit to witnessed biological fluid
8 collection. If Respondent is directed to contact an automated telephone message system to
9 determine when to provide a specimen, Respondent shall do so within the hours specified by
10 Board Staff. For the purposes of this paragraph, in the case of an in-person request, "promptly
11 comply" means "immediately." In the case of a telephonic request, "promptly comply" means
12 that, except for good cause shown, Respondent shall appear and submit to specimen collection
13 not later than two hours after telephonic notice to appear is given. The Board in its sole
14 discretion shall determine good cause.

15 15. Respondent shall provide Board Staff in writing with one telephone number that shall
16 be used to contact Respondent on a 24 hour per day/seven day per week basis to submit to
17 biological fluid collection. For the purposes of this section, telephonic notice shall be deemed
18 given at the time a message to appear is left at the contact telephone number provided by
19 Respondent. Respondent authorizes any person or organization conducting tests on the
20 collected samples to provide testing results to the Board and the MAP Director.

21 16. Respondent shall cooperate with collection site personnel regarding biological fluid
22 collection. Repeated complaints from collection site personnel regarding Respondent's lack of
23 cooperation regarding collection may be grounds for termination from MAP.

24 17. **Out of State Travel and/or Unavailability at Home or Office Telephone Number.**

25 Respondent shall provide Board Staff at least three business days advance written notice of

any plans to be away from office or home when such absence would prohibit Respondent from responding to an order to provide a biological fluid specimen or from responding to communications from the Board. The notice shall state the reason for the intended absence from home or office, and shall provide a telephone number that may be used to contact Respondent.

18. **Payment for Services.** Respondent shall pay for all costs, including personnel and contractor costs, associated with participating in MAP at time service is rendered, or within 30 days of each invoice sent to Respondent.


19. **Examination.** Respondent shall submit to mental, physical, and medical competency examinations at such times and under such conditions as directed by the Board to assist the Board in monitoring Respondent's ability to safely perform health care tasks and Respondent's compliance with the terms of this Order.

20. **Treatment.** Respondent shall submit to all medical, substance abuse, and mental health care and treatment ordered by the Board.

21. **Obey All Laws.** Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in the State of Arizona.

22. **Interviews.** Respondent shall appear in person before the Board and its Staff and MAP committees for interviews upon request, upon reasonable notice.

23. **Address and Phone Changes, Notice.** Respondent shall immediately notify the Board in writing of any change in office or home addresses and telephone numbers.

24. **Relapse, Violation.** In the case of chemical dependency relapse by Respondent or Respondent's use of drugs or alcohol in violation of the Order, Respondent's license shall be *REVOKED*. Respondent agrees to waive formal hearing on the revocation. In the alternative, Respondent may *SURRENDER HIS LICENSE* if he agrees in writing to being impaired by alcohol or drug abuse. 

25. **Notice Requirements.**

1 **(A)** Respondent shall immediately provide a copy of this Order to all employers and all
2 hospitals and free standing surgery centers where Respondent currently has privileges. Within
3 30 days of the date of this Order, Respondent shall provide the Board with a signed statement of
4 compliance with this notification requirement. Upon any change in employer or upon the granting
5 of privileges at additional hospitals and free standing surgery centers, Respondent shall provide
6 the employer, hospital or free standing surgery center with a copy of this Order. Within 30 days
7 of a change in employer or upon the granting of privileges at additional hospitals and free
8 standing surgery centers, Respondent shall provide the Board with a signed statement of
9 compliance with this notification requirement.

10 **(B)** Respondent is further required to notify, in writing, all employers, hospitals and free
11 standing surgery centers where Respondent currently has or in the future gains employment or
12 privileges, of a chemical dependency relapse, use of drugs or alcohol in violation of this Order
13 and/or entry into a treatment program. Within seven days of any of these events Respondent
14 shall provide the Board written confirmation of compliance with this notification requirement.

15 26. **Public Record.** This Order is a public record.

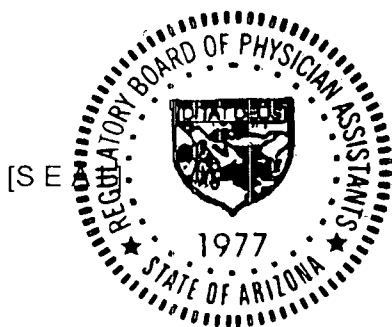
16 27. **Out-of-State.** In the event Respondent resides or performs health care tasks as a
17 physician assistant in a state other than Arizona, Respondent shall participate in the
18 rehabilitation program sponsored by that state's medical licensing authority or medical society.
19 Respondent shall cause the monitoring state's program to provide written reports to the Board
20 regarding Respondent's attendance, participation, and monitoring. The reports shall be due
21 quarterly on or before the 15th day of March, June, September, and December of each year,
22 until the Board terminates this requirement in writing. The monitoring state's program and
23 Respondent shall immediately notify the Board if Respondent: a) is non-compliant with any
24 aspect of the monitoring requirements; b) relapses; c) tests positive for controlled substances;
25

1 d) has low specific gravity urine drug test(s), missed and/or late urine drug tests, or otherwise
2 rejected urine drug tests; and e) is required to undergo any additional treatment.

3 28. This Order supersedes all previous consent agreements and stipulations between the
4 Board and/or the Executive Director and Respondent.

5 29. The Board retains jurisdiction and may initiate new action based upon any violation of
6 this Order.

7 Dated and effective this 23rd day of May 2007.



ARIZONA REGULATORY BOARD OF
PHYSICIAN ASSISTANTS

By *Timothy C. Miller*
13
14 TIMOTHY C. MILLER, J.D.
Executive Director

15 Original of the foregoing filed this
16 23rd day of May, 2007 with:

17 Arizona Regulatory Board of Physician
18 Assistants
19 9545 E. Doubletree Ranch Road
20 Scottsdale, Arizona 85258

21 EXECUTED copy of the foregoing
22 Hand delivered this 23rd day of May, 2007 to:

23 Roger Scott, P.A.

24
25
Roger Scott